

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT RAY SAYNE,

Plaintiff,

v.

No.: 3:07-cv-190
(VARLAN/GUYTON)

GRAINGER COUNTY SHERIFF'S DEPT., et al.,

Defendants.

MEMORANDUM

In this case, the court received an affidavit in which plaintiff complained of numerous conditions of his confinement in the Grainger County, Tennessee, Jail. In a letter accompanying his pleadings, plaintiff asked the court to either appoint counsel to assist him in properly filing a complaint or to provide him with the necessary forms for filing a complaint. Plaintiff's request for appointment of counsel was denied and the Clerk was directed to send plaintiff the forms for filing a complaint for violation of civil rights pursuant to 42 U.S.C. § 1983. Plaintiff was advised that the court would hold the case in abeyance for thirty (30) days pending receipt of the completed complaint form.

A copy of the court's order and the § 1983 complaint forms were sent to plaintiff on June 19, 2007.¹ More than thirty (30) days have passed, and plaintiff has failed to return the completed complaint form or otherwise respond to the order of this court. Therefore, this

¹The documents were originally mailed on June 13, 2007. On June 18, 2007, the court received a notice of change of address from plaintiff, and the documents were then mailed to plaintiff again, on June 19, 2007, at his new address.

action will be **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, for failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE